IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 282 OF 2003

Dnyanu Kondi Shelke
(deceased through his LRs.)
Hanmant Dnyanu Shelke. & ors. ... Appellants.

Versus.

Baban Pandurang Shelke. ... Respondent.

Shri H.D.Gole for the Appellants.

CORAM : ABHAY S. OKA, J.

DATED : 23nd February, 2005.

P.C.:

1. Heard Shri Gole, the learned Counsel appearing for the Appellants. Shri Gole submitted that the finding of the Appellate Court on the issue of limitation is erroneous. He pointed that no specific time was prescribed by the suit agreement for performance of the contract.

2. The Appellate Court has recorded a finding that on 14th May 1979 itself the Appellant had knowledge that the Respondent had specifically denied the agreement of reconveyance. The Appellate Court is right when it has held that Article 54 of the Limitation Act will apply and the limitation will start running from the year 1979. The suit was filed by the Appellants on 25th June 1990 for enforcing specific performance of the agreement of the year 1977. Thus the Appellate Court was right when it was held that the suit was barred by the

limitation.

3. No substantial question of law arises in the Second Appeal and hence it is dismissed with no order as to costs.

Judge.